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OFFICE OF PETITIONS

In re Application of
Hajduk et al.
Application No. 10/712,617
Filed: November 12, 2003
Title of Invention: Tethered Plate
Sensor for Measuring Physical
Properties of Fluid Samples

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed September 13, 2005, to revive the above-identified application.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This above-identified application became abandoned for failure to timely file a reply to an Office Action mailed January 12, 2005. The Office Action set a one (1) month shortened statutory period for reply. A reply to the Office Action was filed on February 13, 2004. However, the examiner determined the reply submitted did not constitute a proper reply or a bona fide attempt to reply to the Office Action. Accordingly, this application became abandoned on February 13, 2005. A Notice of Abandonment was mailed on July 28, 2005.

The petition is **dismissed**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the

abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

The instant petition lacks item (1). Petitioner must submit a reply to the January 12, 2005 Office Action with the renewed petition. The "response" in the form of the request for two month extension of time, is not an acceptable reply. Further the maximum time period for expiration has expired. Accordingly the \$450.00 submitted towards the extension of time will be refunded to deposit account no. 50-1097.

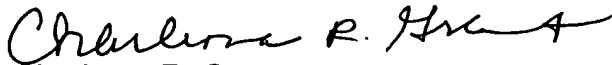
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
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By facsimile: (571) 273-8300

By delivery service: U.S. Patent and Trademark Office
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 401 Dulany Street
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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.


Charlema R. Grant
Petitions Attorney
Office of Petitions